

MINUTES

NEVADA STATE BOARD OF OPTOMETRY  
REGULAR TELEPHONE MEETING

AUGUST 4<sup>TH</sup>, 2004  
OFFICE OF THE NEVADA STATE BOARD OF OPTOMETRY  
1000 EAST WILLIAM  
SUITE 109  
CARSON CITY, NEVADA

DR. ALLEMAN ASKED FOR PUBLIC COMMENT. THERE WAS NO PUBLIC COMMENT.

A REGULAR TELEPHONE MEETING OF THE NEVADA BOARD OF OPTOMETRY WAS CALLED TO ORDER BY BOARD PRESIDENT, KURT G. ALLEMAN, O.D., AT 8:00 O'CLOCK A.M. ON AUGUST 4<sup>TH</sup>, 2004, AT THE OFFICE OF THE BOARD OF OPTOMETRY, 1000 EAST WILLIAM, SUITE 109, CARSON CITY, NEVADA.

IDENTIFYING THEMSELVES AS PARTICIPATING WERE:

KURT G. ALLEMAN, O.D., BOARD PRESIDENT  
BRAD C. STEWART, O.D., BOARD MEMBER  
JACK SUTTON, O.D., BOARD MEMBER  
GEORGE BEAN, BOARD MEMBER

PARTICIPATING AND PRESENT AT THE BOARD OFFICE WERE:

JUDI KENNEDY, EXECUTIVE DIRECTOR  
JEANETTE BELZ, NEVADA OPHTHALOMOLOGICAL SOCIETY

THE MINUTES OF THE JUNE 18<sup>TH</sup>, 2004, REGULAR MEETING WERE PRESENTED FOR APPROVAL. MR. BEAN MOVED THE MINUTES BE APPROVED AS DRAFTED. DR. SUTTON SECONDED THE MOTION. THE

VOTE WAS UNANIMOUS.

THE BOARD CONTINUED, MOVING TO AGENDA ITEM 3, THE COMPLAINT OF JUDI D. KENNEDY, AS EXECUTIVE DIRECTOR VS. AMELY. AFIFI, O.D. MS. KENNEDY ADVISED THE BOARD THAT DR. AFIFI HAD NOT RESPONDED TO THE COMPLAINT. DR. STEWART MOVED A FORMAL ACCUSATION BE FILED AGAINST DR. AFIFI. DR. SUTTON SECONDED THE MOTION. DR. ALLEMAN ASKED FOR FURTHER COMMENT, THERE WAS NONE. THE VOTE WAS UNANIMOUS.

AGENDA ITEM 4, THE ACCUSATION OF JUDI D. KENNEDY VS. LESLYNN CATLETT, O.D. WAS NEXT CONSIDERED BY THE BOARD. MS. KENNEDY ADVISED THE BOARD THAT DR. CATLETT HAD REMITTED THE PROPOSED ADMINISTRATIVE FINE. DR. STEWART MOVED THE ACCUSATION BE DISMISSED BASED ON RESOLUTION. MR. BEAN SECONDED THE MOTION. THE VOTE WAS UNANIMOUS.

THE BOARD TURNED TO AGENDA ITEM 5, THE COMPLAINT OF RYAN SULLIVAN VS. TROY H. CHANG, O.D. DR. ALLEMAN STATED MR. SULLIVAN HAD COMPLAINED THAT DR. CHANG HAD BEEN RUDE. DR. ALLEMAN CONTINUED, NOTING THAT MR. SULLIVAN'S MAIN CONCERN SEEMED TO BE THAT DR. CHANG, DURING HIS EXAMINATION OF MR. SULLIVAN, HAD USED A CONTACT LENS CASE WHICH HAD NOT BEEN PROPERLY CLEANED AND TREATED. THE BOARD DISCUSSED DR. CHANG'S RESPONSE, INCLUDING HIS EXPLANATION OF THE

PROCEDURES USED BY HIS OFFICE TO CLEAN CONTACT LENS CASES WHICH WERE USED DURING EXAMINATIONS. THE BOARD CONCLUDED THE PROCEDURES WERE SATISFACTORY. DR. SUTTON MOVED THE COMPLAINT BE DISMISSED FOR LACK OF MERIT. MR. BEAN SECONDED THE MOTION. DR. ALLEMAN ASKED FOR FURTHER COMMENT. DR. STEWART INQUIRED OF THE MEMBERS IF ANY KNEW OF A WRITTEN PROTOCOL CONCERNING THE CLEANING AND TREATMENT OF CONTACT LENS CASES USED IN EXAMINATIONS. THE CONSENSUS OF THE BOARD WAS THAT NO SUCH PROTOCOL EXISTS. DR. STEWART STATED HE AGREED THAT DISMISSAL WAS APPROPRIATE. THE VOTE WAS UNANIMOUS.

CONTINUING, THE BOARD NEXT REVIEWED AGENDA ITEM 6, THE COMPLAINT OF JESS CORRICK VS. HARVEY OHRINER, O.D. THE BOARD DISCUSSED MR. CORRICK'S ALLEGATIONS REGARDING MONEY STILL OWED, AND THE REFUSAL OF DR. OHRINER TO RELEASE ANOTHER COPY OF MR. CORRICK'S PRESCRIPTION AS REQUESTED. DR. SUTTON POINTED OUT MR. CORRICK HAD REQUESTED A COPY OF A PRESCRIPTION THAT HAD BEEN ISSUED A YEAR PRIOR, AND THAT DR. OHRINER'S REQUIREMENT FOR ANOTHER EXAMINATION WAS NOT OUT OF LINE. DR. SUTTON WENT ON TO STATE THE PATIENT SEEMED CONFUSED ABOUT THE MONEY ISSUE. MR. BEAN ASKED IF THE PATIENT HAD REQUESTED A COPY OF A PRESCRIPTION, WRITTEN ALMOST A YEAR

PRIOR, BUT WITH A NEW DATE. DR. STEWART SAID THAT SEEMED TO BE IMPLIED. DR. ALLEMAN STATED WHEN PATIENTS HAVE THEIR PRESCRIPTIONS FILLED AT OTHER SOURCES, THE DOCTOR HAS NO WAY OF KNOWING HOW MANY TIMES IT HAS BEEN REFILLED. DR. SUTTON MOVED THE COMPLAINT BE DISMISSED FOR LACK OF MERIT. DR. STEWART SECONDED THE MOTION. THE VOTE WAS UNANIMOUS.

THE BOARD MOVED TO AGENDA ITEM 7, THE REQUEST FOR PRODUCTION OF DOCUMENTS FROM DR. LESA DAVIS. DR. ALLEMAN DIRECTED THE BOARD'S ATTENTION TO THE JULY 13<sup>TH</sup>, 2004, CORRESPONDENCE FROM GREGORY V. CORTESE, ESQ., WHICH WAS RESPONSIVE TO THE BOARD'S REQUEST FOR DOCUMENTS. DR. STEWART STATED HE FELT THE DOCUMENTS PRODUCED WERE INCOMPLETE. MR. BEAN ADDED IT APPEARED FIGURES HAD BEEN DELETED FROM THE REQUESTED BANK STATEMENTS. THE BOARD DISCUSSED FURTHER, THE STATEMENTS MADE BY MR. CORTESE ON BEHALF OF DR. DAVIS, NOTING SPECIFICALLY MR. CORTESE HAD STATED DR. DAVIS HAD AMENDED THE CO-MANAGEMENT AGREEMENT PRESENTED TO THE BOARD FOR REVIEW. DR. CORTESE, IN HIS CORRESPONDENCE, STATED FURTHER DR. DAVIS WOULD AMEND THE AGREEMENT FURTHER IF REQUESTED. DR. STEWART MOVED A COMPLAINT BE FILED AGAINST DR. DAVIS CITING STATUTORY VIOLATIONS REGARDING CO-MANAGEMENT AGREEMENTS WITH PATIENTS IN SURGICAL SITUATIONS. DR. SUTTON SECONDED

THE MOTION. THE VOTE WAS UNANIMOUS.

THE BOARD REVIEWED AGENDA ITEM 8, THE CORRESPONDENCE FROM MATTHEW MARSICH, O.D. AFTER DISCUSSION, DR. SUTTON MOVED DR. MARSICH'S FEE BE REFUNDED. MR. BEAN SECONDED THE MOTION. THE VOTE WAS UNANIMOUS.

PROCEEDING TO AGENDA ITEM 9, MS. KENNEDY DIRECTED THE BOARD'S ATTENTION TO THE JULY 9<sup>TH</sup>, 2004, PROPOSAL FROM PRINGLE & POLLARD LLC. DR. SUTTON MOVED THE PROPOSAL BE ACCEPTED,

AND THAT PRINGLE & POLLARD PERFORM THE BOARD'S AUDIT. MR. BEAN SECONDED THE MOTION. THE VOTE WAS UNANIMOUS.

REGARDING STATE OF NEVADA VS. PATRICK D. COLERICK, O.D., MS. KENNEDY REPORTED SHE HAD BEEN ADVISED BY DEPUTY ATTORNEY GENERAL JENNIFER CRANDELL THAT DR. COLERICK HAD LEFT THE STATE, AND WAS NOT EXPECTED TO RETURN FOR AT LEAST SIX MONTHS. MS. KENNEDY WENT ON TO STATE MS. CRANDELL WAS MOST LIKELY GOING TO PROCEED WITH A MOTION FOR SUMMARY JUDGMENT.

THE BOARD CONFIRMED ITS NEXT REGULAR MEETING HAD BEEN SET FOR FRIDAY, OCTOBER 15<sup>TH</sup>, 2004, IN LAS VEGAS, NEVADA.

THE BOARD SCHEDULED A MEETING FOR WEDNESDAY, DECEMBER 8<sup>TH</sup>, 2004.

DR. ALLEMAN ASKED FOR PUBLIC COMMENT. THERE WAS NO

PUBLIC COMMENT.

DR. STEWART MOVED THE MEETING BE ADJOURNED. MR. BEAN  
SECONDED THE MOTION. THE MEETING ADJOURNED AT 8:34 A.M.